IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 4775 of 2006

Dated 8th November, 2006

Between
J.V.Satyanarayana

… Petitioner

And

The Director of Intermediate Education,
Andhra Pradesh, Hyderabad and others.

…Respondents.

ORAL ORDER:

The petitioner who is working as Junior Lecturer in Chemistry in A.K.C. Junior College, Rajahmundry, has filed this writ petition seeking a writ of mandamus to declare the action of the third respondent- college in not appointing/posting him as FAC Principal of the said college in pursuance of the Memo No.ADMN/1B-1/1699/2005 dated 8.12.2005 issued by the Director of Intermediate Education as illegal, arbitrary and discriminatory and for a direction to the respondents to appoint the petitioner as Full Additional Charge Principal.

The petitioner and fourth respondent herein are the lecturers in 3rd respondent college, which is the aided junior college in East Godavari District. The petitioner, earlier, made a representation on 16.8.2005 stating that he is the senior most lecturer and is eligible for appointment as Full Additional Charge Principal. Basing on his representation, without any further notice either to the management or to any of the lecturers, the Commissioner of Intermediate Education issued a Memo No.Admn.IB.1/1699/2005 dated 8.12.2005 directing the management to appoint the senior most lecturer as Principal on Full Additional Charge basis by following the instructions issued in the Government Memo No.SPC-406/CE.II-1/98-1, dated 17.4.1999.

It is the grievance of the petitioner that in spite of such a direction from the Commissioner of Intermediate Education, ignoring the seniority of the petitioner, 4th respondent was appointed as Full

Additional Charge Principal, who is junior to the petitioner. It is submitted by the learned counsel appearing for the petitioner that as per the instructions issued in this regard by the Director of Higher Education, only the senior most Junior Lecturer shall be given the full additional charge of the Principal, whenever the post of Principal becomes vacant, and, as such, it is stated that the impugned action of 3rd respondent-management in ignoring the seniority of the petitioner and appointing fourth respondent as Principal on Full Additional Charge basis is illegal and seeks directions for appointment of the petitioner in his place.

Counter affidavits have been filed by respondents 1 and 2 as well as 3rd respondent-management.

The Joint Director of Intermediate Education has filed counter affidavit stating that, earlier, on the representation of the petitioner directions were issued, but, however, the college in violation of the said orders issued Memo No.17.4.1999 appointing the fourth respondent in the writ petition, who is junior to the petitioner, as Principal on Full Additional Charge basis.

Third respondent-management has filed counter affidavit, in which, it is stated that the petitioner as well as fourth respondent were appointed on the same day. The name of the petitioner figures at Sl.No.9 in the seniority list. His case was also considered at the first instance and was rejected on the ground that he being the lecturer in Chemistry is burdened with onerous workload of 30 periods per week and cannot discharge the additional duties of FAC Principal and it would affect his teaching classes in chemistry. It is further stated that the conduct of the petitioner is not to the level of satisfaction and in the year 1987, he was unauthorizedly absent to his duties and suffered disciplinary action. It is also stated that the petitioner is engaging private tuitions at his house contrary to the

instructions of the Government in this regard.

With regard to appointment of Principals on Full Additional Charge Basis till the said posts are filled up regularly, instructions were issued earlier by the Director of Higher Education in Dis No.880/IC5-2/86 on 7.3.1986 to keep the senior most lecturer as Full Additional Charge of the post of Principal wherever the said post lies vacant. But, subsequently, the Government has issued Memo No. SPC406/CE-II-1/98-1, dated 17.4.1999, in which a reference is made to the instructions issued by the Government in Govt. Memo No.89/CE-III 1/95-1, dated 27.1.1996. From the said memo, it is evident that the Government issued instructions, which are later in point of time to the instructions issued by the Director of Higher Education, to the effect that till regular promotions are made to the posts of Principals in the private aided colleges, one of the three senior most junior lecturers shall be kept in-charge of the vacant post of Principal. In this case, after the vacancy arose, two other persons have expressed their unwillingness and next to them are the petitioner and the 4th respondent in the seniority. From the Government Memo dated 17.4.1999, it is clear that only the senior most lecturer need not be appointed on Full Additional Charge basis and the managements can consider and select one among the three senior most lecturers either for filling up the posts of Principal on regular basis or keeping them as Full Additional Charge of the post of Principal till the same is filled up regularly. Even the subject matter of the memo in the present writ petition, which has been issued on the representation of the petitioner and without notice either to the management or any other affected persons, instructs the management of 3rd respondent to appoint the senior-most Junior lecturer as per the orders issued in the Government Memo dated 17.4.1999. Therefore, it cannot be said

that the appointment of 4th respondent is contrary to directions issued in the Memo dated 8.12.2005. It is not necessary that all the times, only the senior most lecturer is to be appointed as Principal on Full Additional Charge basis. Taking into account the workload in the respective subject in which the senior most lecturers are taking classes and the past service record, it is always open for the managements to keep one of the three senior most junior lecturers as Full Additional Charge of the post of Principal, till regular appointment is made. Moreover, in this case, the petitioner as well as 4th respondent were appointed on the same date. But, however, while considering for keeping one of the three senior most lecturers as Full Additional Charge of the post of Principal in the instant case, the management has taken into consideration the workload and the past service record of the incumbents who came under zone of consideration and then kept the fourth respondent as Full Additional Charge of the post of the Principal.

In that view of the matter, no fault can be found in the action of 3rd respondent-management in keeping fourth respondent as Full Additional Charge of the post of Principal, in the absence of any right to the petitioner to seek such appointment to the post of Principal on Full Additional Charge basis. Therefore, the writ petition, which is devoid of any merit, is dismissed. No costs.

8.11.2006

R.SUBHASH REDDY, J

VR

-

-